



7 January, 1987

BY EXPRESS MAIL

John F. Lynch, Jr., Esquire  
Carpenter, Bennett & Morrissey  
Gateway Three  
100 Mulberry Street  
Newark, New Jersey 07102

Re: Duane Marine Site, Perth Amboy, New Jersey  
Administrative Orders Nos. II-CERCLA-50102, II-CERCLA-50105,  
and II-CERCLA-50107

Dear Mr. Lynch:

I write to repeat the concerns of the U.S. EPA, which we voiced when we spoke by telephone this morning, in a conference call involving yourself and John Goldsmith, for the Duane Marine Steering Committee, and me and Janet Feldstein, for the government.

We do not believe that the facts of the case justify a delay of some nine months, going on ten, since clean-up work was last performed on the site. You and we have agreed that very little surface work remains to be done. We have also reached a mutual understanding about the details of that work. There is no acceptable reason for any further delay.

Please be advised that EPA is now prepared to undertake that work, and finish the cleanup. If your group cannot be mobilized for on-site activity by January 19, 1987, and prepared to finish work by the end of this same month, EPA will take back the responsibility for the Duane Marine removal action, under the terms of the administrative order (No. 50102), 148 at page 17.

Please be further advised that, if EPA does take the required actions unilaterally, Respondents may be subject to treble damages and punitive per diem damages for noncompliance with EPA's administrative orders, in addition to cost recovery, as specified in the administrative order (No. 50102), 156 at page 19.

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THOMPSON FELDSTEIN

We respectfully ask the Committee's prompt attention to this matter, and would appreciate a response at your earliest convenience.

Sincerely,

Margaret Thompson  
Attorney  
NJ Superfund Branch  
Office of Regional Counsel

cc: ✓ Janet Feldstein, 2ERRD-SCB (NNJ)  
John Ulshoefer, 2ERRD-RP